

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLAN B. COHEN and
ROCHELLE COHEN,
Plaintiffs,

v.

Civil Action No. 08-5319

PRUDENTIAL INS. CO.,
ELECTRONIC DATA SYSTEMS CORP.,
MERITOR PENSION PLAN, and
EDS RETIREMENT PLAN,
Defendants.

ORDER

AND NOW, this 12th day of August , 2009, for the reasons stated in the accompanying opinion, it is hereby ORDERED that:

1. The motion to dismiss Count II of the complaint (docket no. 7), submitted by defendant Prudential Insurance Co., is GRANTED, and Count II is DISMISSED.
2. The motion to dismiss submitted by defendants Electronic Data Systems Corp. and the EDS Retirement Plan (docket no. 14) is GRANTED, and the complaint is DISMISSED as to these two defendants.
3. Plaintiffs' jury demand is STRICKEN.

BY THE COURT:

/ s / Louis H. Pollak, J.
Pollak, J.